

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

INGENIO, FILIALE DE LOTO-QUEBEC, INC.,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 04-1532-KAJ
)	
GAMELOGIC, INC.,)	
)	
Defendant.)	

ORDER

For the reasons set forth in the Memorandum Opinion issued today, IT IS HEREBY ORDERED that the following disputed claim terms of U.S. Patent No. 5,569,082 (issued October 29, 1996) and U.S. Patent No. 5,709,603 (issued January 29, 1998) are construed as follows:

Claim Term

“code which includes data indicating whether the player wins or loses”

“lottery game”

The Court's Construction

The court construes “indicating” in the context of “code which includes data indicating whether the player wins or loses” to mean that the code “shows the way to, points out, or makes clear in another way.”

The court construes “lottery game” to mean “a game based on three basic principles: payment associated with participation in a chance to win; a result based on chance; and a prize awarded to the winner(s).”

"amusement game"	The court construes "amusement game" in the context of the phrase "the lottery game and an amusement game" to mean "a game which amuses the player, which can be combined with or separate from the 'actualization' game which reveals the result of the lottery game."
"data being unrecognizable to the player"	The court construes the phrase "data being unrecognizable to the player" to mean "the player is not able to recognize from the data whether the player wins or loses the lottery game and amusement game."
"a processor"	The court construes "a processor" to mean "one or more processors."
"reading the code by a processor"	The court construes "reading" in the context of the phrase "reading the code by a processor" will be construed to mean "receiving input of the code from some source, which may include a computer program/software source."
"processor within a computing device"	The court construes the term "processor within a computing device" to be synonymous with the term "processor" as it is used in claim 1 of the '082 patent.
"processor includes a computing device"	The term "processor includes a computing device" is indecipherable.

IT IS FURTHER ORDERED that the Motion for Partial Summary Judgment of Infringement and Validity filed by plaintiff Ingenio, Filiale de Loto-Quebec, Inc. (D.I. 112) is GRANTED as to Ingenio's claim that GameLogic infringes claim 1 of the '082 patent, and as to GameLogic's lack-of-enablement defense.

IT IS FURTHER ORDERED that the Motion for Partial Summary Judgment of Infringement and Validity filed by plaintiff Ingenio, Filiale de Loto-Quebec, Inc. (D.I. 112) is DENIED as to Ingenio's claim that GameLogic infringes claim 1 of the '603 patent.

IT IS FURTHER ORDERED that the Motion for Summary Judgment of Non-Infringement filed by GameLogic, Inc. is DENIED.


UNITED STATES DISTRICT JUDGE

July 21, 2006
Wilmington, Delaware